

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.12574 of 2006

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Dated:14.07.2006

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Between:

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Avula Narsimha.

...Petitioners

and

Mandal Revenue Officer, Shamsabad Mandal, Ranga Reddy District,
and others.

...Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.12574 of 2006

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ORDER:

The petitioner claims to be the owner of agricultural land admeasuring Acs.4.00 comprised in Survey No.108 of Kothwalguda Village, Shamshabad Mandal, Ranga Reddy District. He allegedly purchased the land from Syed Mohammed Hasan in 1960. The third respondent herein filed an application on 21.12.2005 before the first respondent claiming title and possessory rights. It appears he also requested the first respondent to enter his name in the possession column for the current year pahani. The Mandal Revenue Officer took up the enquiry and by impugned order dated 10.02.2005 directed the Panchayat Secretary of Kothwalguda Village to examine and incorporate the name of the actual occupant in possession column in the pahani for the current year. Aggrieved by the same, the present writ petition is filed.

It is the case of the petitioner that he has filed a suit on

06.04.2005 on the file of the Court of the Principal Senior Civil Judge, Ranga Reddy District, for declaration of title against Maddhuloori Maalakondaiah and M.Chinnakondaiah, that he is the absolute owner and possessor of the property, and that by reason of the impugned order, he is not able to enter his own land. At the stage of admission itself, the third respondent filed a counter affidavit along with various documents. It is his case that he purchased the land admeasuring Acs.11.33 guntas in Survey No.108 situated at Kothwalguda Village under registered sale deed dated 14.05.1998 from Syed Fouzia Siddiqua and three others, who are the legal heirs of Syed Mohd.Ahsan, that the Mandal Revenue Officer ordered mutation by proceedings dated 31.07.1998, and that when the petitioner tried to interfere with the possession, he filed a suit, being O.S.No.298 of 2006 on the file of the Court of the I Additional Senior Civil Judge, Ranga Reddy District, and obtained *ad interim* injunction in I.A.No.438 of 2006. It is also his case that the sale deed relied on by the petitioner is fabricated one and that there is no cultivation in the land. It is further alleged that the enquiry into the application made by the third respondent is still pending and the present order was issued directing the Panchayat Secretary to enter the name of the occupant in possession column only for the current year.

There is a dispute of title regarding Acs.4.00 of land in Survey No.108 of Kothwalguda Village. The petitioner has already filed a suit, being O.S.No.427 of 2005, which is pending. The third respondent also filed an injunction suit and obtained *ad interim* injunction. In this background, the application has to be considered by the Mandal Revenue Officer having regard to the provisions of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 and the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989. Needless to mention that if there is any title suit pending, enquiry by the Mandal Revenue Officer cannot be taken up. However, as rightly pointed out by the learned Counsel for the third respondent, in a title suit filed by the petitioner, being O.S.No.427 of 2005, the third respondent is not arrayed as party. This aspect of the matter has to be considered by the Mandal Revenue Officer while conducting the enquiry. As the impugned order is admittedly in the nature of interlocutory order, the interference is not called for. It shall be open to the petitioner to raise all objections before the first respondent in the pending enquiry, which has to be conducted subject to the above

observations. The Mandal Revenue Officer is directed to complete the enquiry within a period of four weeks and pass appropriate orders.

The Writ Petition, with the above observations and directions, is accordingly disposed of. No costs.

(V.V.S.RAO, J)

14.07.2006

vs